

110TH CONGRESS
1ST SESSION

H. R. 2149

To amend title XVIII of the Social Security Act to waive the late enrollment penalty under the Medicare part D benefit for certain months for individuals who are first eligible to enroll for such benefit for 2006 or 2007 and who enroll by the end of the first annual, coordinated election period following their initial enrollment period, to limit the amount of such penalty, and to require the Secretary of Health and Human Services to conduct a study on such penalty.

IN THE HOUSE OF REPRESENTATIVES

MAY 3, 2007

Mr. ENGLISH of Pennsylvania introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to waive the late enrollment penalty under the Medicare part D benefit for certain months for individuals who are first eligible to enroll for such benefit for 2006 or 2007 and who enroll by the end of the first annual, coordinated election period following their initial enrollment period, to limit the amount of such penalty, and to require the Secretary of Health and Human Services to conduct a study on such penalty.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Healthcare Eligibility
 5 for Late Participants (HELP) in Medicare Part D Act
 6 of 2007”.

7 **SEC. 2. MEDICARE PART D LATE ENROLLMENT PENALTY**
 8 **WAIVED FOR MONTHS BEFORE INITIAL EN-**
 9 **ROLLMENT OF INDIVIDUALS WHO ARE FIRST**
 10 **ELIGIBLE TO ENROLL FOR 2006 OR 2007 AND**
 11 **WHO ENROLL BY THE END OF THE FIRST AN-**
 12 **NUAL, COORDINATED ELECTION PERIOD**
 13 **FOLLOWING THEIR INITIAL ENROLLMENT**
 14 **PERIOD.**

15 (a) IN GENERAL.—Section 1860D–13(b)(3) of the
 16 Social Security Act (42 U.S.C. 1395w–113(b)(3)) is
 17 amended—

18 (1) in subparagraph (B), by inserting “subject
 19 to subparagraph (C),” after “For purposes of this
 20 subsection,”; and

21 (2) by adding at the end the following new sub-
 22 paragraph:

23 “(C) SPECIAL RULE FOR 2006 AND 2007.—
 24 For purposes of subparagraph (B), the term
 25 ‘uncovered month’ shall not include—

1 “(i) in the case of an individual whose
 2 initial enrollment period under section
 3 1860D–1(b)(2) ends before November 15,
 4 2006, and who enrolls under a prescription
 5 drug plan or MA–PD plan during the an-
 6 nual, coordinated election period under sec-
 7 tion 1851(e)(3)(B), as applied under sec-
 8 tion 1860D–1(b)(1)(B)(iii), that begins on
 9 such date, any month before January
 10 2007; and

11 “(ii) in the case of an individual
 12 whose initial enrollment period under sec-
 13 tion 1860D–1(b)(2) begins on or after No-
 14 vember 15, 2006, but ends before Novem-
 15 ber 15, 2007, and who enrolls under a pre-
 16 scription drug plan or MA–PD plan during
 17 the annual, coordinated election period
 18 under section 1851(e)(3)(B), as applied
 19 under section 1860D–1(b)(1)(B)(iii), that
 20 begins on November 15, 2007, any month
 21 before January 2008.”.

22 (b) EFFECTIVE DATE; REBATES FOR PENALTIES
 23 PREVIOUSLY COLLECTED.—

24 (1) EFFECTIVE DATE.—The amendments made
 25 by subsection (a) shall be effective as if included in

the enactment of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173).

(2) REBATES FOR PENALTIES PREVIOUSLY COLLECTED.—The Secretary of Health and Human Services shall establish a method for providing rebates of late enrollment penalties paid pursuant to section 1860D–13(b) of the Social Security Act (42 U.S.C. 1395w–113(b)(3)(B)) for months before the date of the enactment of this Act for which a penalty does not apply under the amendments made by subsection (a) but for which a penalty was previously collected.

SEC. 3. LIMITATION ON AMOUNT OF MEDICARE PRESCRIPTION DRUG LATE ENROLLMENT PENALTY.

(a) IN GENERAL.—Such section, as amended by section 2, is further amended—

(1) in subparagraph (A), by striking “The amount” and inserting “Subject to subparagraph (C), the amount”; and

(2) by adding at the end the following new subparagraph:

“(D) LIMITATION ON AMOUNT OF PENALTY.—In no case shall the amount determined under subparagraph (A) for a part D eligible

1 individual for a continuous period of eligibility
 2 exceed 25 percent of the base beneficiary pre-
 3 mium computed under subsection (a)(2).”.

4 (b) EFFECTIVE DATE.—The amendments made by
 5 subsection (a) shall be effective as if included in the enact-
 6 ment of the Medicare Prescription Drug, Improvement,
 7 and Modernization Act of 2003 (Public Law 108–173).

8 **SEC. 4. REPORT ON MEDICARE PART D LATE ENROLLMENT**
 9 **PENALTY.**

10 Not later than one year after the date of the enact-
 11 ment of this Act, the Secretary of Health and Human
 12 Services shall submit to Congress a report on the Medicare
 13 prescription drug late enrollment penalty under section
 14 1860D–13(b) of the Social Security Act (42 U.S.C.
 15 1395w–113(b)). Such report shall include the following in-
 16 formation:

17 (1) The number of individuals who are subject
 18 to and paying such penalty.

19 (2) The average amount of such penalty.

20 (3) The number of subsidy eligible individuals
 21 (as defined in section 1860D–14(a)(3) of such Act
 22 (42 U.S.C. 1395w–114(a)(3))) who are individuals
 23 described in paragraph (1) and the average amount

1 of such penalty paid by such subsidy eligible individ-
2 uals.

